

EXHIBIT F

Statement of Claim

Violations my eighth Amendment with Cruel and Unusual punishment.
Delay or denial of Access to medical Attention.

I William F. DAVIS III I AM Showing how First Correctional medical incorporated who is Supervisory personnel with power and duty to ensure adequate medical care is liable under 1983 for breaches of thier legal obligation resulting in Consitutional Violations. First Correctional medical duty to monitor nurse Betty Bradley and Doctor Benjamin Robinson to ensure inmate is getting Adequate medical care before A Serious illnesses happens. nurse Betty Bradley and Doctor Benjamin Robinson displayed deliberate indifference with a culpable State of mind by them ignoring I, William F. DAVIS III face A Substantial risk of Serious harm and disregard that risk by failing to take reasonable measures to abate it. the letter from Raphael Williams stated on May 22, 02 I, William F. DAVIS III Complained of Abdominal pains. the letter stated from the medical department determined I had two small ventral hernias.

First Correctional medical time period began June 30, 2002 when Correctional medical Services left June 30, 2002. the letter stated my hernia were easily reducible and were not causing pain who reduce my hernia. I was seen again for pain and it was determined the hernia were not reducible and bowel sounds were decreased.

I, William F. DAVIS III was Admitted to the infirmary and X-ray revealed partial distal small bowel obstruction but request for Admission NO. 13 Stated I had no bowel Obstruction by the X-ray report.

nurse Betty Bradley and Doctor Benjamin Robinson displayed deliberately indifferent they knew from the diagnosis that my hernia was not reducible CAUSING all kinds of Agonizing ^{Pain} did nothing for 4 1/2 months resulting in losing 4-inches of my intestines, finding feces inside of my Abdominal and leaving me with a very hideous and unattractive long Scar on my abdominal.

I call because of the pain 6-10-02. on 6-14-02 I call because of pain and I could not hardly walk and little appetite. on 6-15-02 I call because of pain. on 6-16-02 I call because I was

feeling weak and no appetite nauseated and throwing up.

I call 6-17-02 to my mother Lois Davis nurse Betty stated I am not going to the hospital. I call my mother and told her I lost a lot of weight because I weighed my self. on 6-20-02 still having pain and medical put me back on the pod.

6-21-02 still having pain on the pod.

6-22-02 still having pain and no appetite.

6-25-02 still having pain lost 20 pounds.

6-26-02 still having pain no appetite, weak and nauseated.

6-28-02 still having pain.

7-7-02 still having pain nausea, no appetite stated I am getting weak and cramps.

7-8-02 stated lost weight from 250 to 232 pounds.

7-9-02 still having no appetite because I am nauseated all the time and stated nobody care about my problem over and over again.

7-29-02 still having pain tylenal 3 not helping.

8-16-02 my mother call Senator Margaret Henry because I was weaker and weaker the pain was so bad I could not stand it no more thank God for Senator Margaret helping me.

Surgeon Doctor Mammen stated if surgery was put off much longer because bacteria in feces was in my abdominal.

Defendants
Request for Admission, stated no. 13 on June 20.02 I had no bowel obstruction by the x-ray report lying again.

letter from Civil Division by Gregory E. Smith Deputy Attorney General stated, the medical services provider, based upon the results of diagnostic tests, has determined that your son's present condition does not require an operation.

if infection had developed because misdiagnosis resulting finding feces in my abdominal I would have suffered Serious Complications or death. ③

1. Objective evidence: that Condition seriously Affect my health or Safety. the pain WAS so bad Keeping me from normal Activities Such as work, exercise, sports and Sleep. physically I were injured losing 4-inches of my intestines and feces was in my abdominal and a very hideous and unattractive long Scar on my abdominal. Psychologically is I almost die if infection had developed because feces was in my abdominal. I do not trust doctor or nurse they Cover-up and lie. it was bad and a long time in pain for 4 1/2 month. (Barney v. Pulsipher, 143 F.3d 1299, 1311 (10th Cir 1998)).

2. Subjective evidence: Deliberate indifference doctor, Benjamin Robinson and nurse Betty Bradley Knew from the diagnosis that my hernia was not reducible Causing all kinds of agonizing because they gave my pain pills all the time and did nothing for 4 1/2 months. Farmer v. Brennan, 511 U.S. 825 (1994).
Estelle v. Gamble, 429 U.S. 97, 104, 97, S.Ct. 285 (1976).

► Serious Medical need under the Eighth Amendment one that has been diagnosed by a physician as mandating treatment for one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention. Hill v. Dekalb Reg'l Youth, Det. Ctr 40 F.3d 1176, 1187 (11th Cir 1994). Courts usually agree that the medical need must be one that if left unattended poses a substantial risk of serious harm. Taylor v. Adam, 221 F.3d 1254, 1258 (11th Cir 2000).
Brock v. Wright, 315 F.3d 158 (2d Cir. 2003).

I WAS in a lot of pain all the time because the letter from my mother Lois Davis when I was calling home all the time showing I call because of the pain date-6-2-02. Call again because of the pain 6-4-02 and no appetite could not eat.

Raphael Williams to Joseph R. Bider United States Senator

(4)

Stated, there were no other concerns such as nausea or vomiting and he had positive bowel sounds but, medical record by Doctor Mammen the Surgeon Stated, he has had intermittent vomiting and ~~ab~~ abdominal pain for the past three months and there was CT Scan done approximately a month ago the showed a near total obstruction of the small bowel. medical trying to cover-up again. At the present time there is no reason to recommend surgery for this condition as there is no clinical need to repair the ventral hernia. but, Doctor the Surgeon Mammen Stated Physical examination when he came to the office revealed a sick looking male. He was admitted emergergently from the office to St. Francis hospital.

the Civil law generally calls a person reckless who acts or if the person has a duty to act fails to act in the face of an unjustifiably high risk of harm that is either know or so obvious that it should be known. failed to act despite his knowledge demonstration unusual was bypassed such procedures, policy and custom a culpable state of mind by nurse Betty Bradley and Doctor Benjamin Robinson ignoring know or obvious proof delay requiring immediate emergency treatment when my medical condition got worsened. Deterioration of my health examine the evidence my medical record from St. Francis hospital show my intestines burst and massive fecal in my abdominal protein calorie malnutrition lost 40 pounds of weight, sick looking, four month history of pain, vomiting and abdominal pain for three month, a bowel obstruction for three. When surgery was done I was in a intensive care unit because chronic dehydration. Disciplinary report show I been in a lot of pain because my hernia I want to see a doctor but I was put in solitary confinement to punish me.

I receive substandard medical care by nurse Betty Bradley and Doctor ⑤

Benjamin Robinson policy and procedure they did not follow the standards for health services for jails national Commission on Correctional health care.

Policy - is defined a facility official position on a particular issue related to an organization operation.

Procedure - is defined as describing in detail some time in sequence how a policy is to be carried out.

I did not get adequate, appropriate and sufficient medical care standard established by national Commission on Correctional health care.

the defendant liable as if they had inflicted the pain themselves by give me pain medication to hide the heroin problem making the symptoms worst.

Date: 8-17-08

Sincerely, William F. Davis III

Grievance Exhaustion

I filed a grievance due to being denied medical treatment. I was informed by Mrs. Jean Long was the Supervisory over seer stated a treatment plan would be work out.

Jones v. Bock, 127 S. Ct 910 (2007). the Supreme Court held that the PLRA exhaustion requirement is an affirmative defense not a pleading requirement. therefore although exhaustion is necessary, prisoners are not required to specially plead or demonstrate exhaustion in their complaints. Id. At 919.

finally the Court rejected the total exhaustion rule and held that while no unexhausted rule. Claims may be heard under the PLRA. A Court may not dismiss a entire action simply because the complaint includes both exhausted and unexhausted claims. Id. At 923, the Court rejected the respondent's analogy that the PLRA is similar to the total exhaustion rule in habeas Corpus. the Court found that the PLRA's language does not support total exhaustion stating that as a general matter if Complaint contains both good and bad claims. the Court proceeds with the good and leaves the bad. Id. At 924. Bishop v. Lewis C.A. 9 (Ariz.) 1998.

Date: 8-17-08

William F. Davis III

the united States District Court

William F. DAVIS III

Plaintiff

V.

Civil Action NO. 04-209-SLR

Correctional medical Services

First Correctional medical
nurse Betty Bradley, and
Dr. Benjamin Robinson

Defendants.

Motion for Summary Judgment

there is a genuine issue of material fact which requires trial.
Beard v. Whitley County Remo 840 F.2d 405, 410 (7th Cir 1988)
Valley Liquors inc. v. Kenfield importers Ltd. 822 F.2d 656, 659, 7th
Cir 1987.

1. A letter from Raphael Williams to Josep R. Bider about my need to repair my ventral hernia.
 2. A letter from Civil Division from Gregory E. Smith about my medical Condition does not require A operation.
 3. A letter from Lois Davis my mother about my medical Condition because in a lot of pain all the time.
 4. Disciplinary report because I ask to see a doctor because I was in a lot of pain all the time.
 5. my medical Report from doctor Thomas mammer findings, Vomiting, Abdominal pains for three month, lost 40 pounds, Sick looking. I was admitted emergently from the doctor office to St. Francis hospital for Surgery.
- I am entitled to Summary Judgment as a matter of law because there is a genuine issue of material fact which requires trial.

Date: 8-17-08

Sincerely, William F. Davis III

the United States District Courts

William F. DAVIS^{III}

Plaintiff

v.

Civil Action NO. 04-209-SLR

Correctional Medical Services
First Correctional Medical,
Nurse Betty Bradley, And
Dr. Benjamin Robinson,
Defendants.

motion for Appointment of Counsel

Pursuant to 28 U.S.C. 1915(e)(1) Plaintiff moves for an order appointing Counsel to represent him in this case. In support of this motion, Plaintiff states:

1. Plaintiff is unable to afford Counsel. He has requested leave to proceed in forma pauperis.

2. Plaintiff's imprisonment will greatly limit his ability to litigate. Plaintiff has limited access to the law library and limited knowledge of the law.

3. A trial in this case will likely involve conflicting testimony, and Counsel would better enable Plaintiff to present evidence and cross-examine witnesses.

4. These factors are listed in *Montgomery v. Pinchak*, 294 F.3d 492, 499 (3rd Cir. 2002), in *Parham v. Johnson*, 126 F.3d 454, 461 (3rd Cir. 1997), Court of Appeals where a Plaintiff's case appears to have merit and most of the aforementioned factors have been met.

5. The Defendants has a lawyer and I would like to have Counsel to help me with credibility of Defendants are telling the truth and cross-examination or require investigation in this case and will need medical expert testimony be needed.

Date: 9-17-08

William F. DAVIS^{III}

Delaware Correctional Center

1181 Paddock Road

Smyrna, De 19977

Certificate of Service

I, William F. Davis III, hereby certify that I have served a true
and correct cop(ies) of the attached: motion for Summary
Judgment upon the following
parties/person (s):

Heckles & Frabizzio
TO: Daniel L. McKenty
800 Del Ave, Suite 200
P.O. Box 128 Wilm, Del
19899-0128

TO: Office of the Clerk
United States District Court
844 Wilking Street Lockbox 119
Wilm, Del 19801-3520

Marshall, Dennehey, Warner
Coleman & O'Gin
TO: Kevin J. Connors
1220 North Market Street
5th Floor P.O. Box 8888
Wilm, Del 19899-8888

TO: Patrick G. Rode
The Corporate Plaza
800 Del Ave, Suite 200
P.O. Box 128
Wilm, Del 19899

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 17 day of August, 2008

William F. Davis